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Jong-Tak Kim

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EXAMINER

CHEEMA, UMAR

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,648	<b>Applicant(s)</b> KIM, JONG-TAK	
	<b>Examiner</b> UMAR CHEEMA	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,12-16,18,19 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,12-16,18,19 and 26-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the Request for Continued Examination (RCE) transmitted on 06/25/2009. Claims 1-5, 8, 12-16, 18, 19, and 26-38 are pending in this action. Claims 1, 3-5, 8, 12-16, and 26 have been further amended and claims 6, 7, 9-11, 17, and 20-25 have been cancelled.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/25/2009 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 8, 12-16, 18, 19, and 26-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-5, 8, 12-16, 18, 19, and 26-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (hereinafter Barrus) (US Patent No. 6,784,899) in view of Takahashi et al. (hereinafter Takahashi) (US Patent No. 5,819,261) and further in view of Shaw et al. (hereinafter Shaw) (US Patent No. 6,816,887).
5. Regarding claim 1, Barrus substantially discloses the invention as claimed a method comprising: receiving a multimedia message from a user agent [see abstract, col. 1, lines 27-36; storing, generating, retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system]; setting a first index value of the multimedia message, wherein the first index value is set as a value to discriminate the multimedia message from other multimedia messages; storing the multimedia message having the set first index value in a storage device [see col. 1, lines 27-36; storing multimedia message; col. 8, lines 11-52; object-indexing unit 306 is also used to generate and store unique indicators etc.]; receiving information including a second index value from the user agent, wherein the second index indicates whether the multimedia message to be forward is a new multimedia message or a previously sent

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multimedia message [see col. 24, lines 35-58 also figure 3, 16 and details associated; wherein method for creating a new message or replying to an existing message is described]; searching whether the multimedia message to be forwarded exists in the storage device based on a comparison of the second index value in the information received from the user agent and the first index value set in the stored multimedia message; and forwarding the multimedia message produced by the search, wherein, if a storing time of the multimedia message in the storage device elapses, the second index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message.

6. Barrus substantially discloses the invention as claimed above but Barrus does not explicitly disclose wherein said searching whether the multimedia message to be forwarded exists in the storage device based on a comparison of the second index value in the information received from the user agent and the first index value set in the stored multimedia message.

7. In the same field of invention, Takahashi disclose wherein said searching whether the multimedia message to be forwarded exists in the storage device based on a comparison of the second index value in the information received from the user agent and the first index value set in the stored multimedia message [see Takahashi: abstract, col. figure 9-11, 14 a-c and details associated; col. 18, lines 56-64; wherein predetermined counter is set to searching and transmitting message is described].

8. It would have been obvious to one of the ordinary skills person in the art of networking at the time of the invention to combine the teaching of Barrus and Takahashi

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for a method comprising setting an index value of a multimedia message. Motivation for doing so would have been advanced and easy search for existing messages.

9. Barrus-Takahashi substantially disclose the invention as described above but do not explicitly disclose wherein forwarding the multimedia message produced by the search, wherein, if a storing time of the multimedia message in the storage device elapses, the second index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message.

10. In the same field of invention, Shaw discloses wherein forwarding the multimedia message produced by the search, wherein, if a storing time of the multimedia message in the storage device elapses, the second index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message [see figures 9, 10 and details associated; wherein identifying and displaying object/messages based on set value are being transmitting in buffer to message processing unit etc.].

11. It would have been obvious to one of the ordinary skills person in the art of networking at the time of the invention to combine the teaching of Barrus-Takahashi into Shaw for a method comprising setting an index value of a multimedia message and forwarding the message based on set index value. Motivation for doing so would have been to improved method and apparatus for sending private messages [see Shaw: col. 2, lines 9-12].

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12. Regarding claim 2, Barrus discloses the method of claim 1, wherein the index value is set in a header of the multimedia message [see col. 13, lines 46-63, figure 7 and the details related].

13. Regarding claim 4, Barrus discloses the method of claim 2, wherein the second index value is set as a value corresponding to '0' when the multimedia message to be forwarded is a new multimedia message or changed [see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc. and col. 24, lines 35-58 also figure 3, 16 and details associated; wherein method for creating a new message or replying to an existing message is described].

14. Regarding claim 5, Barrus discloses the method of claim 2, wherein the second index value is set as a value corresponding to other than '0' when the multimedia message to be forwarded is a previously sent multimedia message [see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc. and col. 24, lines 35-58 also figure 3, 16 and details associated; wherein method for creating a new message or replying to an existing message is described].

15. Regarding claims 6-7, (Canceled).

16. Regarding claim 8, Barrus discloses a method comprising: transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information, wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia message [see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit]; retrieving a multimedia message having a same index value in a mailbox

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if the multimedia message is a previously sent multimedia message [see col. 13, lines 46-63, figure 7, col. 24, lines 35-58 also figure 3, 16 and details associated; wherein method for creating a new message or replying to an existing message is described]; inserting information of a receiving side in the retrieved multimedia message [see col. 1, lines 27-36; storing, generating, retrieving, and sending multimedia messages etc.]; and transmitting the multimedia message to a user agent on the receiving side, wherein if a storing time of the multimedia message in the mailbox elapses, the index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message.

17. Barrus discloses substantially the invention as claimed above but Barrus does not explicitly disclose wherein said transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information.

18. In the same field of invention Takahashi discloses wherein said transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

19. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality



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extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

20. Barrus-Takahashi substantially disclose the invention as described above but do not explicitly disclose wherein transmitting the multimedia message to a user agent on the receiving side, wherein if a storing time of the multimedia message in the mailbox elapses, the index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message.

21. In the same field of invention, Shaw discloses wherein transmitting the multimedia message to a user agent on the receiving side, wherein if a storing time of the multimedia message in the mailbox elapses, the index value is set as a value indicating a new multimedia message even though the multimedia message to be forwarded is a previously sent multimedia message [see figures 9, 10 and details associated; wherein identifying and displaying object/messages based on set value are being transmitting in buffer to message processing unit etc.].

22. It would have been obvious to one of the ordinary skills person in the art of networking at the time of the invention to combine the teaching of Barrus-Takahashi into Shaw for a method comprising setting an index value of a multimedia message and forwarding the message based on set index value. Motivation for doing so would have been to improved method and apparatus for sending private messages [see Shaw: col. 2, lines 9-12].

23. Regarding claim 9-11, (Canceled).

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24. Regarding claim 13, Barrus discloses the method of claim 8, wherein the index value in the mailbox includes a predetermined bit to discriminate among multimedia message [see figures 9A-B and details associated, col. 16, lines 22-51; predetermined input bit or characters etc.].

25. Regarding claim 14-15, these claimed limitations are substantially same as previously rejected claims 4-5, therefore, are rejected for the same reasoning [see claims 4-5 details above].

26. Regarding claim 16, Barrus discloses the method of claim 14, wherein the index value is set as a value corresponding to other than '0' when the multimedia message is a previously sent multimedia message [see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.].

27. Regarding claim 17, (Canceled).

28. Regarding claim 18, Barrus discloses the method of claim 8, where wherein the multimedia message stored in a mailbox has a predetermined storage time set by a multimedia user agent [see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.].

29. Regarding claim 19, Barrus discloses the method of claim 18, further comprising automatically deleting the multimedia message stored in the mailbox when the set storing time elapses [see fig. 6 and the details related, create, edit, delete and retrieve multimedia messages, col. 13, lines 28-36].

30. Regarding claim 20-25, (Canceled).

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31. Regarding claim 26, Barrus substantially discloses the invention as claimed a server comprising: a receiving device to receive at least an index value of a multimedia message [see abstract, col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages]; a processor to select information to transmit based on the index value [see col. 7, lines 45-59, figure 3 as well as figures 1-2 and the related details], wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia message [see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit]; and a transmitting device to transmit at least the selected information, wherein, if a storing time of the multimedia message stored in the server elapses, the user agent sets the index value as a value indicating a new multimedia message even through the multimedia message is a previously sent multimedia message.

32. Barrus discloses substantially the invention as claimed above but Barrus does not explicitly disclose wherein said transmitting device to transmit at least the selected information.

33. In the same field of invention Takahashi discloses wherein said transmitting device to transmit at least the selected information [see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information].

34. It would have been obvious to one of the ordinary skill person in the art of networking at the time of this invention to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have

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been because it this functionality extends the usefulness of the multimedia message system's capabilities [see Barrus: col. 2, lines 49-52].

35. Barrus-Takahashi substantially disclose the invention as described above but do not explicitly disclose wherein transmit at least the selected information, wherein, if a storing time of the multimedia message stored in the server elapses, the user agent sets the index value as a value indicating a new multimedia message even through the multimedia message is a previously sent multimedia message.

36. In the same field of invention, Shaw discloses wherein transmit at least the selected information, wherein, if a storing time of the multimedia message stored in the server elapses, the user agent sets the index value as a value indicating a new multimedia message even through the multimedia message is a previously sent multimedia message [see figures 9, 10 and details associated; wherein identifying and displaying object/messages based on set value are being transmitting in buffer to message processing unit etc.].

37. It would have been obvious to one of the ordinary skills person in the art of networking at the time of the invention to combine the teaching of Barrus-Takahashi into Shaw for a method comprising setting an index value of a multimedia message and forwarding the message based on set index value. Motivation for doing so would have been to improved method and apparatus for sending private messages [see Shaw: col. 2, lines 9-12].

38. Regarding claim 27-31, the claimed limitations are substantially same as previously addressed claims 2-3, 5-7 [see claims 2-3, 5-7 rejection above].

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39. Regarding claim 32, Barrus discloses the server of claim 26, wherein the processor decides to retrieve a multimedia message having a similar index value from a memory based on the determined index value [see col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system].

40. Claims 3 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus-Takahashi- Shaw and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

41. Regarding claims 3 and 12, Barrus-Takahashi-Shaw substantially disclose the limitations of claims 2 and 8, but do not explicitly disclose wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side.

42. In the same field of invention, Kuthyar discloses wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side [see fig. 2, col. 4, lines 7-23].

43. It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Barrus-Takahashi-Shaw and Kuthyar for receiving information where information contains telephone number and an address of the receiving side. Motivation for doing so would have been that it provides an improved multimedia messaging service capabilities [see Kuthyar: pg. 1, lines 58-60].

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44. Claims 33-38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (hereinafter Barrus) (US Patent No. 6,784,899) in view of Takahashi et al. (hereinafter Takahashi) (US Patent No. 5,819,261).

45. Regarding claim 33, Barrus discloses the invention as claimed a method for processing a multimedia message comprising: transmitting one of (a) a multimedia message including the index value in the header of the multimedia message, wherein the index value indicates that the multimedia message is a new multimedia message or a changed multimedia message from a previously sent multimedia message [see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit] or (b) only a header of a multimedia message, wherein an index value of the header indicates the multimedia message was a previously sent multimedia message, which has not changed [see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit]; and receiving one of the header in (b) or the multimedia message in (a), wherein when only the header in (b) is received, the method further comprises retrieving the multimedia message having a corresponding index value as the received header from a storage device [see col. 4, lines 1-10; figures 3, 12-13 and the details related; storing, generating and receiving, receiving and sending multimedia messages].

46. Barrus discloses substantially the invention as claimed above but Barrus does not explicitly disclose wherein said transmitting message.

47. In the same field of invention Takahashi discloses wherein said transmitting message [see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information].

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48. It would have been obvious to one of the ordinary skills person in the art of networking at the time of this invention to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities [see Barrus: col. 2, lines 49-52].

49. Regarding claim 34, the limitations of this claim has already been addressed (see claim 5 above).

50. Regarding claim 35, the limitations of this claim has already been addressed (see claim 4-5 above).

51. Regarding claim 36, the limitations of this claim has already been addressed (see claim 13 above).

52. Regarding claim 37, the limitations of this claim has already been addressed (see claim 31 above).

53. Regarding Claim 38, the combination of Barrus-Takashi discloses the method of claim 1, wherein said receiving includes: receiving header information that includes the index value, the header information received without multimedia information when the index value indicates that the multimedia message is not a changed message or first-sent message [see Barrus: col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit; Takashi: figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information]. It would have been obvious to combine teaching of Barrus-Takashi for the same motivation as previously presented in claim 33.

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54. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Prior Art of the record***

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaw et al. US Patent No. 6,816,887

***Conclusion***

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444